

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Alvin J. Johnson,

DEBTOR.

CHAPTER 13

CASE NO. 16-41277-PJS

JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to L.B.R. 3015-3(a) (E.D.M.) as follows:

1. The debtor has failed to provide proof of the contribution from the debtor's daughter prior to the First Meeting of Creditors as required by 11 U.S.C. Section 521. The Trustee therefore requests that the debtor produce proof of the contribution from the debtor's daughter no later than 14 days prior to the scheduled Confirmation Hearing in order for the Trustee to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(b), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(6).

2. The Plan fails to provide that 100% of all tax refunds received or entitled to be received by the debtor since the commencement of the debtor's case be remitted to the Trustee for distribution among creditors as required by 11 U.S.C. Section 1325(b)(1)(B) and *In re Freeman*, 86 F.3d 478 (6th Cir. 1996).

3. Debtor's Chapter 13 Plan fails to provide for any treatment of the Class 9 General Unsecured claims. Accordingly, the debtor's Plan fails to comply with 11 U.S.C. Section 1325.

4. The information regarding the attorney fees owed is inconsistent between the debtor's Plan and 2016(b) Statement, and the Trustee requests that the debtor file an appropriate amendment to correct such inconsistency.

5. Class 5.2 of the debtor's Chapter 13 Plan provides for the debtor to retain two vacant lots located at 6818 and 6819 Colvert Street, Detroit, Michigan, with payments in excess of \$302.00 per month, however, the debtor does not receive any income for these real properties. The Trustee therefore questions whether the retention of these real properties is reasonable and whether the debtor's Chapter 13 Plan fails to comply with 11 U.S.C. Section 1325.

6. Class 5.2 of the debtor's Chapter 13 Plan provides for an obligation owing to CIT Bank, NA, with a fair market value for the real property located at 6819 Colvert Street, Detroit, Michigan, of \$15,000.00, however, based upon the debtor's Schedule A/B and the Liquidation Analysis of the debtor's Chapter 13 Plan, the debtor includes a \$25,000.00 fair market value for this real property. Accordingly, due to this discrepancy, the Trustee is unable to determine if the debtor's Plan complies with 11 U.S.C. Section 1325.

7. Based upon the Proof of Claim filed on behalf of Ford Motor Credit, debtor has an obligation owing to this creditor for a 2015 Ford F-150 motor vehicle that the debtor fails to treat in the debtor's Chapter 13 Plan. Accordingly, the debtor's Plan may fail to comply with 11 U.S.C. Section 1325.

8. Based upon the debtor's Schedule A/B, the debtor discloses the value for the real property located at 6826 Colvert Street, Detroit, Michigan, with a fair market value of \$5,000.00. Further, based upon the debtor's Schedule A/B, the debtor discloses an interest in real property located at 6818 Colvert Street, Detroit, Michigan, with a fair market value of \$1,000.00. The Trustee requests that the debtor provide objective documentation in support of the valuation of these real properties so that the Trustee can determine if the debtor's Plan complies with 11 U.S.C. Section 1325(a)(4).

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtor's Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: March 30, 2016 By: /s/ Lisa K. Mullen
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on March 30, 2016, I electronically filed the TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BERMAN & BISHOP PLLC
24405 GRATIOT
EASTPOINTE, MI 48021-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Alvin J. Johnson
6819 Covert Street
Detroit, MI 48212-0000

/s/ Jayme L. DePriest
Jayme L. DePriest
For the Office of David Wm. Ruskin,
Chapter 13 Standing Trustee - Detroit
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